IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 13310 of 2003

Between:

SRI DURGA INDUSTRIES, SIVALAYAM VEEDHI, VIJAYAWADA, KRISHNA DISTRICT, Represented by its Proprietor, K.V. ACHARI

.... PETITIONER

AND

SRI DURGA MALLESWARA SWAMY VARLA DEVASTHANAM, INDRAKEELADRI, VIJAYAWADA, KRISHNA DISTRICT represented by its Executive Officer.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus or any other appropriate declaring the action of the respondent in not paying the bills though contract is executed and though there is no dispute of work done by the petitioner as illegal arbitrary and void and hit by the doctrine of principles of legitimate expectation and consequentially direct the

respondent to pay the bills to the petitioner as per the tender rates (agreed rates).

Counsel for the Petitioner: MR.N.SRIDHAR REDDY

Counsel for the Respondent: S.C for Endowments

The Court made the following:

ORDER: -

Heard both sides and at their request, the main writ petition itself is taken up for disposal.

2. The only question involved in this writ petition is in regard to the payment of certain amounts to which the petitioner is entitled to under the bills in respect of the works, which have been undertaken by him. Though the petitioner claims Rs.22,54,490/-, however in the counter affidavit filed by the respondent, it is stated that the petitioner is not entitled to the said amount and they are disputing the said figures. However, it is admitted that the petitioner is entitled to only a sum of Rs.13,05,900/- and not Rs.22,54,490/-.

3. Having regard to such admitted figure, there cannot be any impediment for the respondent in paying the admitted amount to the petitioner. However, in regard to the disputed amounts, as rightly contended by the learned Standing Counsel, the petitioner has to approach the Civil Court for recovery.

4. Under the circumstances, the writ petition is disposed of directing the respondent to pay the admitted amount of Rs. 13,05,900/- to the petitioner, within a period of three months from today. In regard to the disputed amount, it shall be open for the petitioner to seek remedies available in accordance with law.

5. The writ petition is disposed of accordingly. No costs.

Sd/-

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Executive Officer, SRI DURGA MALLESWARA SWAMY VARLA DEVASTHANAM, INDRAKEELADRI, VIJAYAWADA, KRISHNA DISTRICT

2. 2 CD copies

Stv/Rar